

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED
JUL 22 2025
U.S. DISTRICT COURT- WVND
WHEELING, WV 26003

ARNOLD KUHL,
Plaintiff,

v.

JUDGE HEATHER WOOD,
Defendant.

Civil Action No. 5:25 cv 163

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND DAMAGES
(Jury Trial Demanded)

INTRODUCTION

This is a civil action brought pursuant to 42 U.S.C. § 1983 and other applicable federal and state law. Plaintiff, **Arnold Kuhl**, alleges that Defendant, **Judge Heather Wood**, acting under color of state law and in her capacity as a Family Court Judge in Ohio County, West Virginia, violated Plaintiff's clearly established constitutional rights under the **Fourteenth Amendment**, including **due process**, **equal protection**, and **access to the courts**, and failed to accommodate Plaintiff's mental health disability in violation of the **Americans with Disabilities Act of 1973 (Section 504)**. Plaintiff seeks injunctive relief, declaratory judgment, and compensatory damages.

PARTIES

1. Plaintiff **Arnold Kuhl** is a resident of Ohio County, West Virginia, and the petitioner in Family Court case **23-D-70 HAW**.
2. Defendant **Judge Heather Wood** is a Family Court Judge for Ohio County, West Virginia, and at all relevant times was acting under color of state law in her official capacity.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's federal claims pursuant to **28 U.S.C. §§ 1331 and 1343**, and **42 U.S.C. § 1983**.

4. Venue is proper in this District under 28 U.S.C. § 1391, as all events occurred in Ohio County, West Virginia.

FACTUAL ALLEGATIONS

5. Plaintiff was a party in divorce proceedings before Judge Heather Wood in case number 23-D-70 HAW.
6. On or about **January 3, 2024**, Judge Wood issued a Final Order related to the **sale and equitable distribution of the marital home**.
7. Prior to the issuance of that order, Plaintiff made **clear and timely requests** to present relevant **testimony and evidence** concerning the designation, valuation, and distribution of proceeds from the sale of the marital home.
8. Judge Wood **denied Plaintiff the opportunity to present such testimony**, thereby **abridging his due process rights** guaranteed by the **Fourteenth Amendment** to the U.S. Constitution and **Article III, § 10** of the West Virginia Constitution.
9. The challenged order allows for the **imminent sale and collection** of proceeds from the marital home under conditions Plaintiff contends are **factually and legally erroneous**.
10. If the sale and distribution proceed as outlined in the 1/3/24 Order, Plaintiff will suffer **irreparable harm**, including the **permanent loss of property and equity** without a full and fair hearing.
11. Further, Plaintiff alleges that **Judge Wood issued an order barring Plaintiff from accessing the Clerk's Office and other court services** without a hearing or due process as required by **state law and court procedure**.
12. This **denial of access to the courts** and judicial records has significantly impaired Plaintiff's ability to represent himself in his ongoing legal matters and constitutes a violation of **Plaintiff's First and Fourteenth Amendment rights**.
13. At all relevant times, Defendant **was aware of Plaintiff's diagnosed mental health conditions**, including [briefly specify if desired: e.g., PTSD, anxiety, etc.], and yet took **punitive and provocative action**, including public humiliation and **unreasonable restrictions**, without providing any accommodation as required by the **Americans with Disabilities Act (Section 504, Rehabilitation Act of 1973)**.
14. Defendant's and her staff's actions have caused **severe mental and emotional distress** to Plaintiff and were carried out in a manner that was **unreasonable, retaliatory, and lacking judicial neutrality**, given Plaintiff's known vulnerabilities.

CLAIMS FOR RELIEF

COUNT I – VIOLATION OF DUE PROCESS (42 U.S.C. § 1983)

Defendant deprived Plaintiff of his constitutional right to due process by denying him the opportunity to present testimony and evidence regarding the distribution of marital assets, resulting in unjust and irreversible consequences.

COUNT II – VIOLATION OF EQUAL PROTECTION

Defendant treated Plaintiff disparately without lawful justification and with apparent animus, based on his pro se status and mental disability.

COUNT III – VIOLATION OF RIGHT OF ACCESS TO THE COURTS

Defendant unlawfully restricted Plaintiff's access to court offices and records, essential for the exercise of his legal rights, without hearing or legal authority.

COUNT IV – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT (Section 504)

Defendant failed to reasonably accommodate Plaintiff's documented mental health condition, acting in violation of federal disability law and causing exacerbation of symptoms and additional harm.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Issue a **temporary restraining order and preliminary injunction** halting any sale, disbursement, or distribution of proceeds from the marital home until a full evidentiary hearing is held;
- B. Declare that Defendant's conduct violated Plaintiff's rights under the Constitution and federal law;
- C. Order Defendant to rescind any order barring Plaintiff's access to court services or provide a hearing with appropriate due process safeguards;
- D. Award **compensatory and punitive damages** in an amount to be determined at trial;
- E. Award Plaintiff his **costs and reasonable attorney's fees** under 42 U.S.C. § 1988 (if applicable);
- F. Grant any other relief the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.


Respectfully submitted,

Date: 7/22, 2025

Arnold Kuhl

[Your full address]

[Your phone number]

[Your email]

Pro Se Plaintiff

3396 Belmont St. Apt 406

Bellmore OH 43906

740-312-2241

ArnoldKuhl28@gmail.com

VERIFICATION

I, Arnold Kuhl, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature: 

Date: 7/22/2025